

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No.
	)	(Enforcement - Water)
A. BLOCK MARKETING, INC.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Persons on Attached Service List (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today caused to be filed with the Clerk of the Illinois Pollution Control Board by electronic filing the following Complainant’s Complaint, Motion for Relief from Hearing Requirement and Stipulation and Proposed Settlement, true and correct copies of which are attached hereto and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
KWAME RAOUL, Attorney General of the State of  
Illinois

BY: /s/ Justin Bertsche  
Justin Bertsche  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General’s Office  
115 S. LaSalle Street, 23<sup>rd</sup> Floor  
Chicago, Illinois 60603  
(773) 505-5308  
Primary e-mail: justin.bertsche@ilag.gov  
Secondary e-mail: maria.cacaccio@ilag.gov

Date: February 6, 2026

**Service List**

A. Block Marketing, Inc.  
c/o David Rieser  
K&L Gates LLP  
70 W. Madison, Suite 3300  
Chicago, IL 60602  
[david.rieser@klgates.com](mailto:david.rieser@klgates.com)

**CERTIFICATE OF SERVICE**

I, Justin Bertsche, an Assistant Attorney General, certify that on the 6th day of February 2026, I caused to be served the foregoing Notice of Filing of Complaint, Motion for Relief from Hearing Requirement and Stipulation and Proposed Settlement on the parties named on the attached Service List, by electronic mail.

*/s/ Justin Bertsche* \_\_\_\_\_

Justin Bertsche

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

115 S. LaSalle Street, 23<sup>rd</sup> Floor

Chicago, Illinois 60603

(773) 505-5308

Primary e-mail: justin.bertsche@ilag.gov

Secondary e-mail: maria.cacaccio@ilag.gov

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No.
	)	(Enforcement - Water)
A. BLOCK MARKETING, INC.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

**COMPLAINT**

The Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of the Respondent, A. BLOCK MARKETING, INC., as follows:

**COUNT I**  
**WATER POLLUTION**

1. This Complaint is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), against A. BLOCK MARKETING, INC. (“ABM” or “Respondent”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2022), and is charged with, *inter alia*, the duty of enforcing the Act.

3. At all times relevant to this Complaint, ABM has been and is an Illinois corporation in good standing.

4. At all times relevant to this Complaint, ABM owned and operated and continues to own and operate an industrial operation that produces and processes bulk hardwood mulch products located at 15660 Canal Bank Road, Lemont, Cook County, Illinois (“Facility”).

5. The Facility is bordered to the north by the Des Plaines River and to the south by the Chicago Sanitary and Ship Canal.

6. On September 24, 2019, the Illinois EPA issued coverage to ABM for the Facility under the General National Pollutant Discharge Elimination System (“NPDES”) Stormwater Permit for Industrial Activities (“NPDES Industrial General Permit”).

7. On November 16, 2022, Illinois EPA inspected the Facility (“November 16 Inspection”).

8. On November 16, 2022, mulch and related debris was deposited on the wall of the Chicago Sanitary and Ship Canal.

9. On November 16, 2022, stormwater that was contaminated with mulch and related debris was running into the Chicago Sanitary and Ship Canal due to poor housekeeping at the loading and unloading area.

10. Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

11. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company,

trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

12. ABM, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

13. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

14. The stormwater runoff generated at the Facility, which by the nature of the Facility comes into contact with industrial materials, constitutes a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

15. Section 3.550 of the Act, 415 ILCS 5/3.550 (2022), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

16. Stormwater from the Facility flows to the Chicago Sanitary and Ship Canal.

17. The Chicago Sanitary and Ship Canal is “waters” of the State of Illinois as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2022).

18. Section 3.545 of the Act, 415 ILCS 5/3.545 (2022), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

19. The introduction of contaminated stormwater into the Chicago Sanitary and Ship Canal is the discharge of a contaminant into a water of the State as will or is likely to create a nuisance or render such waters harmful or detrimental to public health and is therefore “water pollution” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2022).

20. By causing, threatening, or allowing the introduction of contaminated stormwater into the Chicago Sanitary and Ship Canal, the Respondent caused or allowed the discharge of contaminants into the environment so as to cause or tend to cause water pollution in Illinois in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, A. BLOCK MARKETING, INC., with respect to Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);
3. Ordering the Respondent to cease and desist from any future violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against the Respondent; and
6. Granting other such relief as the Board deems appropriate and just.

**COUNT II**  
**WATER POLLUTION HAZARD**

1-20. The Complainant realleges and incorporates by reference herein paragraphs 1 through 20 of Count I as paragraphs 1 through 20 of this Count II.

21. Section 12(d) of the Act, 415 ILCS 5/12(d) (2022), provides as follows:

No person shall:

\* \* \*

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

22. By causing or allowing mulch and related debris to be deposited on the wall of the Chicago Sanitary and Ship Canal, waters of the State, ABM deposited contaminants upon the land so as to create a water pollution hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, A. BLOCK MARKETING, INC, with respect to Count II:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding that the Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

3. Ordering the Respondent to cease and desist from any future violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against the Respondent; and

6. Granting other such relief as the Board deems appropriate and just.

**COUNT III**  
**FAILURE TO RECORD AND MAINTAIN QUARTERLY VISUAL INSPECTIONS**

1-18. The Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count III.

19. Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), provides as follows:

No person shall:

\* \* \*

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

20. Industrial sites are subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board (“Board”). The Board’s regulations for water pollution are found in Title 35, Subtitle C, Chapter I of the Illinois Administrative Code (“Board Water Pollution Regulations”).

21. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

- (a) Except as in compliance with the provisions of the Act, Board Regulations, and the CWA, and the provisions and the conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into waters of the State from a point source or into a well shall be unlawful.

22. Section 305.102(b) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b), provides, in pertinent part, as follows:

- (b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

23. Section J.1. of the NPDES Industrial General Permit provides, in pertinent part, as follows:

- 8. Quarterly Visual Inspections of Discharge – The requirements and procedures for quarterly visual observations are applicable to all facilities covered under this permit, regardless of your sector of industrial activity.
  - a. The Permittee must perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation must be made during daylight hours. If no storm event resulted in runoff during daylight hours on normal work days from the facility during a monitoring quarter, no visual observation is required for that quarter, provided the permittee documents that no observable runoff occurred....
  - c. The Permittee must maintain your visual observation reports onsite with the SWPPP....
  - d. The Permittee may exercise waiver of the visual observation requirement at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water....
  - f. The visual observation documentation shall be made available to the Agency....

24. On November 16, 2022, ABM did not have any documentation available for the Illinois EPA of the required quarterly visual inspections of industrial stormwater for the Facility.

25. On July 14, 2023, ABM submitted the outstanding quarterly visual inspection reports.

26. By failing to document, maintain, and make available records of quarterly visual observations, ABM violated Section J.1 of the NPDES Industrial General Permit, thereby violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), and Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, A. BLOCK MARKETING, INC.:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding that the Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Section J.1 of the NPDES Industrial General Permit;

3. Ordering the Respondent to cease and desist from any future violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Section J.1 of the NPDES Industrial General Permit;

4. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35

Ill. Adm. Code 305.102(b) and 309.102(a), and Section J.1 of the NPDES Industrial General Permit continued;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against the Respondent; and

6. Granting other such relief as the Board deems appropriate and just.

**COUNT IV**  
**FAILURE TO CONDUCT ANNUAL FACILITY INSPECTION AND SUBMIT**  
**REPORTS**

1-22. The Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count I and paragraphs 19 through 22 Count III as paragraphs 1 through 22 of this Count IV.

23. Section G of the NPDES Industrial General Permit provides, in pertinent part, as follows:

1. The Permittee shall conduct facility inspections covering all areas subject to the requirements of this permit and identified in the SWPPP.

Inspections must be conducted at least quarterly or in some instances more frequently as appropriate....

2. The Permittee must document the findings of the facility inspections and maintain this report with its SWPPP. The Permittee must summarize all findings in the annual report per part K. Document all findings, including but not limited to, the following information:
  - a. The inspection date and time;
  - b. The name(s) and signature(s) of the inspector(s);
  - c. Weather information including flooding events;
  - d. All observations relating to the implementation of control measures at the facility;

\* \* \*

e. Any additional control measures needed to comply with the permit requirements; and

f. Any incidents of noncompliance observed.

g. Any outfall not inspected due to flooding conditions.

24. Section K.1. of the NPDES Industrial General Permit provides, in pertinent part, as follows:

The facility shall submit an electronic copy of the annual inspection report to the Agency. The report shall include results of the quarterly benchmark monitoring which is required by Part J.2 and the quarterly facility inspections which are required by Part G of this permit. The report shall include, at a minimum, a review and update of the SWPPP ... The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s). The annual inspection report is considered a public document that shall be available to the public at any reasonable time upon request.

25. ABM failed to submit an electronic copy of the annual inspection reports for the years 2020, 2021, and 2022 to the Illinois EPA.

26. On November 16, 2022, ABM did not have any documentation available for the Illinois EPA of the required annual inspection reports for the Facility.

27. On July 14, 2023, ABM submitted the outstanding annual inspection reports for the years 2020, 2021, and 2022 to Illinois EPA.

28. By failing to record significant observations during Facility inspections and submit the required annual inspection reports for the years 2020, 2021, and 2022, to the Illinois EPA, ABM violated Sections G and K.1 of the NPDES Industrial General Permit, thereby violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), and Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, A. BLOCK MARKETING, INC.:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding that the Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Sections G and K.1 of the NPDES Industrial General Permit;

3. Ordering the Respondent to cease and desist from any future violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Sections G and K.1 of the NPDES Industrial General Permit;

4. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Sections G and K.1 of the NPDES Industrial General Permit continued;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against the Respondent; and

6. Granting other such relief as the Board deems appropriate and just.

**COUNT V**  
**FAILURE TO SUBMIT QUALITY BENCHMARK MONITORING REPORTS**

1-23. The Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count I, paragraphs 19 through 22 of Count III, and paragraph 24 of Count IV, as paragraphs 1 through 23 of this Count V.

24. Section J.2. of the NPDES Industrial General Permit provides, in pertinent part, as follows:

2. Benchmark Monitoring

This permit specifies pollutant benchmark concentrations that are application to certain sectors/subsectors....

e. Benchmark Monitoring Schedule – Benchmark monitoring must be conducted quarterly for first four full quarters of permit coverage commencing no later than 180 days after the effective date of this permit.

25. ABM failed to submit an electronic copy of the required results of the quarterly benchmark monitoring along with its annual inspection reports to the Illinois EPA.

26. On November 16, 2022, ABM did not have any documentation available for Illinois EPA of the required quality benchmark monitoring of industrial stormwater for the Facility.

27. On July 14, 2023, ABM submitted the outstanding quality benchmark monitoring reports.

28. By failing to submit quality benchmark monitoring and submit reports to the Illinois EPA, ABM violated Sections J.2 and K.1 of the NPDES Industrial General Permit, thereby violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), and Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, A. BLOCK MARKETING, INC.:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding that the Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Sections J.2 and K.1 of the NPDES Industrial General Permit;

3. Ordering the Respondent to cease and desist from any future violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Sections J.2 and K.1 of the NPDES Industrial General Permit;

4. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Sections J.2 and K.1 of the NPDES Industrial General Permit continued;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against the Respondent; and

6. Granting other such relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* KWAME RAOUL, Attorney  
General of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

By: /s/ Stephen J. Sylvester  
STEPHEN J. SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

OF COUNSEL:

Justin Bertsche (ARDC No. 6345451)

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

115 S. LaSalle Street, 23<sup>rd</sup> Floor

Chicago, IL 60603

(773) 505-5308

Primary e-mail: [Justin.Bertsche@ilag.gov](mailto:Justin.Bertsche@ilag.gov)

Secondary e-mail: [Maria.Cacaccio@ilag.gov](mailto:Maria.Cacaccio@ilag.gov)



4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2024).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL  
Attorney General  
State of Illinois

BY: /s/ Justin Bertsche

Justin Bertsche  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
115 S. LaSalle Street, 23<sup>rd</sup> Floor  
Chicago, Illinois 60603  
(773) 505-5308  
Primary e-mail: justin.bertsche@ilag.gov  
Secondary e-mail: maria.cacaccio@ilag.gov

Dated: February 6, 2026



upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2024), against the Respondent.

2. Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2024).

3. At all times relevant to the Complaint, the Respondent was and is an Illinois corporation that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, the Respondent owned and operated an industrial operation that produces and processes bulk hardwood mulch products located at 15660 Canal Bank Road, Lemont, Cook County, Illinois (“Facility”).

5. On September 24, 2019, Illinois EPA issued coverage to the Respondent for the Facility under the General National Pollutant Discharge Elimination System (“NPDES”) Stormwater Permit for Industrial Activities (“NPDES Industrial General Permit”).

**B. Allegation of Non-Compliance**

The Complainant contends that the Respondent has violated the following provisions of the Act, Board regulations, and the terms and conditions of the NPDES Industrial General Permit:

Count I: Water Pollution, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), and Section 12(f) of the Act, 415 ILCS 5/12(f) (2022).

Count II: Water Pollution Hazard, in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022).

Count III: Failure to Conduct and Record Quarterly Visual Inspections, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Section J.1 of the Permit.

Count IV: Failure to Conduct Annual Facility Inspection and Submit Reports, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Sections G and K.1 of the Permit.

Count V: Failure to Conduct Quality Benchmark Monitoring and Submit reports, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), Sections 305.102(b) and 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 305.102(b) and 309.102(a), and Sections J.2 and K.1 of the Permit.

**C. Non-Admission of Violations**

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

**D. Compliance Activities to Date**

1. Between June 2023 and September 3, 2025, the Respondent removed to the extent practicable all mulch that accumulated along the wall of the Chicago Sanitary and Ship Canal.

2. Between July 2023 and September 3, 2025, the Respondent removed all mulch that accumulated within the Facility's stormwater outfalls.

3. On July 17, 2023, the Respondent submitted to Illinois EPA annual inspection reports, which include the quarterly visual inspection reports and quarterly benchmark monitoring reports for the years 2020, 2021, and 2022.

4. Between August 2023 and September 3, 2025, the Respondent developed and implemented a cleaning process, which occurs after each barge load of mulch unloaded to prevent accumulation of mulch near the wall of the Chicago Sanitary and Ship Canal.

5. Between October 12, 2023, and September 3, 2025, the Respondent completed the installation of outfalls controls consisting of rip/rap and culverts.

6. Between October 12, 2023, and September 3, 2025, the Respondent completed the development of a buffer zone consisting of a concrete block curbing and a dedicated access roadway for the barge-unloading excavator.

## **II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2024).

## **III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened and Illinois EPA's information gathering responsibilities hindered by the Respondent's violations.
2. There is social and economic benefit to the Facility.

3. Operation of the Facility was and is suitable for the area in which it is located.
4. Compliance with the terms of its permit is both technically practicable and economically reasonable.
5. The Respondent has subsequently complied with the Act and the Board regulations.

**IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2024), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project", which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The Respondent was diligent in attempting to come back into compliance with the Act, Board regulations, and applicable federal regulations once the Illinois EPA notified the Respondent of its noncompliance.
2. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.
3. The Complainant has determined, based upon the specific facts of this matter, that a penalty of Twenty Thousand Dollars (\$20,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act.
4. To the Complainant's knowledge, the Respondent has no previously adjudicated violations of the Act.
5. Self-disclosure is not at issue in this matter.
6. The settlement of this matter does not include a supplemental environmental project.
7. A Compliance Commitment Agreement was not at issue in this matter.

## **V. TERMS OF SETTLEMENT**

### **A. Penalty Payment**

The Respondent shall pay a civil penalty in the sum of Twenty Thousand Dollars (\$20,000.00) within thirty days from the date the Board adopts and accepts this Stipulation.

### **B. Stipulated Penalties, Interest, and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing

immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

3. The stipulated penalties shall be enforceable by the Complainant and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

**C. Payment Procedures**

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services  
2520 W. Iles Ave.  
P.O. Box 19276  
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Justin Bertsche  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office

115 S. LaSalle Street, 23<sup>rd</sup> Floor  
Chicago, IL 60603

**D. Future Compliance**

1. In addition to any other authorities, Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

2. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

3. The Respondent shall cease and desist from future violations of the Act that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondent's payment of the Twenty Thousand Dollar (\$20,000.00) penalty, its commitment to cease and desist as contained in Section V.D.3 above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in the Complainant's Complaint filed on \_\_\_\_\_. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with

respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

**F. Enforcement of Stipulation**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**G. Opportunity For Public Comment**

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least thirty days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserved the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. The Respondent consents to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified the Respondent in writing that it withdraws or withholds its consent for

the Stipulation. In the event the Complainant notifies the Respondent that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

**H. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

KWAME RAOUL  
Attorney General  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

JAMES JENNINGS, Acting Director  
Illinois Environmental Protection Agency

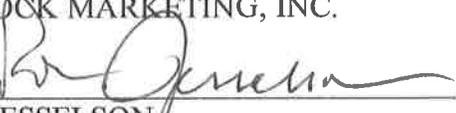
BY:   
STEPHEN J. SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

BY:   
ANDREW ARMSTRONG  
Chief Legal Counsel

DATE: 2/4/26

DATE: 02/04/2026

THE RESPONDENT  
A. BLOCK MARKETING, INC.

BY:   
\_\_\_\_\_  
RON JESSELSON  
ITS: PRESIDENT

DATE: 1/30/26